

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Applicants acknowledge the need to surrender original United States Letters Patent No. 6,062,641 before this reissue application can be allowed. Upon indication that this application is otherwise in condition for allowance, applicants will surrender the original letter patent.

While reviewing the drawing figures in the original patent, a minor inadvertent error has been noted with respect to the lead line for reference numeral "32" identifying the Peltier element. The lead line for reference numeral "32" points to a heat exchanger identified by the box with an X. The lead line for reference numeral "32" should point to the Peltier element in a manner consistent with the description in the original patent specification. Thus, submitted with this Amendment is a Request for Approval of Proposed Drawing Changes in which the lead line for reference numeral "32" has been correctly located. Also, a missing reference numeral "31" has been added identifying the heat exchanger previously inadvertently identified by reference numeral "32". No new matter has been introduced by way of the proposed drawings changes. Consideration and approval of the proposed drawing changes are respectfully requested. Upon approval of the proposed drawing changes, new drawings complying with 37 C.F.R. §§ 1.84 and 1.173(b)(3) will be submitted.

The Official Action sets forth a rejection of Claims 16-33 on the basis of the disclosure contained in U.S. Patent No. 5,524,439 to *Gallup et al.* Reconsideration and withdrawal of this rejection are respectfully requested in view of the following remarks.

The attachment to this Amendment points out that this Amendment presents changes to new Claims 16, 21, 25, 26 and 33. The attachment identifies the changes and discusses where support exists for the new claim wording.

Briefly stated, the version of new independent Claim 16 presented here is the same as new independent Claim 16 originally submitted with this application for reissue, except that new independent Claim 16 presented in this Amendment includes the recitation of the mesh member that is positioned between the cover member and the filling member on the side of the filling member facing in the direction of the sitting side. The versions of new independent Claims 21 and 26 presented here are the same as the versions of new independent Claims 21 and 26 originally submitted with this application for reissue, except that new independent Claims 21 and 26 presented in this Amendment recite the cover member that encircles the filling member and the mesh member that is positioned between the cover member and the filling member on the side of the filling member facing in the direction of the sitting side. As described in the present application, the mesh member can help facilitate and maintain good air flow. Also, depending upon the location of the mesh member and which of the mesh members is considered, direct force application to the opening edge of the groove in the filling member can be inhibited.

With the recitation of the mesh member that is positioned between the cover member and the filling member, the claimed seat apparatus is patentably distinguishable over the disclosure contained in *Gallup et al.* *Gallup et al.* discloses a temperature seat climate control system having a cushion 18 forming a seat back and a seat cushion that is covered by a padding layer 17. The seat bottom portion of the cushion 18 is provided with air channels 20 connected to a seat bottom air inlet 22, and the seat back portion of the cushion 18 is provided with air channels 20 connected to a seat back air inlet 24. In addition, respective heat pumps 26, 28 are connected to the air inlets 22, 24 to deliver temperature conditioned air to the seat bottom and the seat back. However, *Gallup et al.* does not disclose a mesh member positioned between the padding layer 17 and the cushion 18. In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

The Official Action also relies upon U.S. Patent No. 2,782,834 to *Vigo*. However, even assuming this document discloses that which it is said to disclose and assuming further that it "teaches" modifying the temperature seat climate control system described in *Gallup et al.* in the manner pointed out in the Official Action, *Vigo* does not make up for the deficiencies pointed out above with respect to the disclosure contained in *Gallup et al.* Accordingly, the combined disclosures contained in *Gallup et al.* and *Vigo* would not have directed one to do that which is defined in the claims here as the invention.

As a final point, it is noted that no objections have been raised with respect to the Declaration under 37 C.F.R. § 1.175 originally submitted with this application for reissue.

Applicants acknowledge that it will be necessary to submit a Supplemental Declaration under 37 C.F.R. § 1.175(b)(1) before this application will be allowed. As suggested in § 1444 of the Manual of Patent Examining Procedure, applicants will wait until this application is in condition for allowance and will then submit a cumulative Supplemental Declaration under 37 C.F.R. § 1.175(b)(1).

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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**EXPLANATION OF CHANGES TO CLAIMS AND SUPPORT IN THE
DISCLOSURE OF U.S. PATENT NO. 6,062,641 FOR SUCH CHANGES**

At the time this application for reissue was filed, patent Claims 1-15 were maintained in their original form and new Claims 16-34 were presented for consideration.

The Amendment submitted concurrently with this paper does not cancel any of the patent claims, does not cancel any of the new claims presented at the time the reissue application was filed and does not add any additional claims. Thus, Claims 1-34 are pending in this application.

The Amendment submitted concurrently with this paper includes changes to new Claims 16, 21, 25, 26 and 33. The changes between Claims 16, 21, 25, 26 and 33 presented in this Amendment and the original versions of such new claims are discussed below.

New Independent Claim 16

The one change to new independent Claim 16 involves the added recitation of the mesh member. Thus, in addition to the wording found in the originally presented version of new Claim 16, the current wording of new Claim 16 defines a mesh member provided between the cover member and the filling member, with the mesh member being positioned on a side of the filling member facing in the direction of the sitting side.

Support for this recitation of the mesh member exists at various places in the patent specification. For example, the description beginning in line 45 of column 2 of the original patent specification describes several mesh members 25, 26. In addition, Figs. 1 and 2 illustrate the mesh members 25, 26 that are positioned between the cover member 27 and the filling member 21 at the side of the filling member facing in a direction of the sitting side of the seat cushion.

New Independent Claim 21

New independent Claim 21 has been amended to define the cover member and the mesh member. Thus, in addition to the wording found in the originally presented version of new Claim 21, the current wording of new Claim 21 defines the cover member that encircles the filling member of the seat cushion or the seat back, and the mesh member provided between the cover member and the filling member, with the mesh member being positioned on a side of the filling member facing in a direction of the sitting side.

Support for these recitations of the cover member and the mesh member exists at various places in the patent specification. For example, the paragraph bridging columns 2 and 3 of the original patent describes the cover member 27 encircling the filling member of the seat cushion, and the paragraph beginning in line 34 of column 4 of the original patent specification describes the cover member 47 encircling the filling member of the seat back. In addition, the description beginning at line 45 of column 2 of the original patent specification and the description beginning at line 34 of column 4 describes several mesh members 25, 26, 45, 46. Further, Figs. 1 and 2 illustrate the mesh members 25, 26, 45, 46 that are positioned between the respective cover member and filling member at the side of the filling member facing in a direction of the sitting side of the seat cushion/seat back.

New Dependent Claim 25

New dependent Claim 25 presented at the time of filing this application for reissue defined the additional features of a cover member covering the seat cushion and a cover member covering the seat back. In light of the wording in new Claim 21 presented in the accompanying Amendment, the wording in new dependent Claim 25 has been changed to

define that the cover member recited in Claim 21 encircles the filling member of the seat cushion. In addition, new Claim 25 recites the other cover member that encircles the filling member of the seat back and also defines the mesh member provided between the other cover member and the filling member of the seat back.

Support for these recitations in new Claim 25 exists at various places in the patent specification. For example, the paragraph bridging columns 2 and 3 of the original patent describes the cover member 27 encircling the filling member of the seat cushion and the paragraph beginning in line 34 of column 4 of the original patent specification describes the cover member 47 encircling the filling member of the seat back. Additionally, the description beginning at line 45 of column 2 of the original patent specification describes several mesh members 25, 26 positioned with respect to the filling member of the seat cushion and the description beginning at line 34 of column 4 of the original patent specification describes several mesh members 45, 46 positioned with respect to the filling member of the seat back. Further, Figs. 1 and 2 illustrate the mesh members 25, 26, 45, 46 that are positioned between the respective cover member and filling member at the side of the filling member facing in a direction of the sitting side of the seat cushion/seat back.

New Independent Claim 26

New independent Claim 26 has been changed to define the cover member and the mesh member. Thus, in addition to the wording found in the originally presented version of new Claim 26, the current wording of new Claim 26 defines the cover member that encircles the filling member of the seat cushion or the seat back, and the mesh member

provided between the cover member and the filling member, with the mesh member being positioned on a side of the filling member facing in a direction of the sitting side.

Support for these recitations of the cover member and the mesh member exists at various places in the patent specification. For example, the paragraph bridging columns 2 and 3 of the original patent describes the cover member 27 encircling the filling member of the seat cushion, and the paragraph beginning in line 34 of column 4 of the original patent specification describes the cover member 47 encircling the filling member of the seat back. In addition, the description beginning at line 45 of column 2 of the original patent specification and the description beginning at line 34 of column 4 describes several mesh members 25, 26, 45, 46. Further, Figs. 1 and 2 illustrate the mesh members 25, 26, 45, 46 that are positioned between the respective cover member and filling member at the side of the filling member facing in a direction of the sitting side of the seat cushion/seat back.

New Dependent Claim 33

New dependent Claim 33 presented at the time of filing this application for reissue defined the additional features of a cover member covering the seat cushion and a cover member covering the seat back. In light of the wording in new independent Claim 26 presented in the accompanying Amendment, the wording in new dependent Claim 33 has been changed to define that the seat cushion includes the filling member recited in Claim 26 and that the cover member encircles the filling member of the seat cushion. In addition, new Claim 33 recites that the seat back includes a filling member provided with a groove, and also defines that another cover member encircles the filling member of the seat back.

Support for these recitations in new Claim 33 exists at various places in the patent specification. For example, the paragraph bridging columns 2 and 3 of the original patent describes the cover member 27 encircling the filling member of the seat cushion and the paragraph beginning in line 34 of column 4 of the original patent specification describes the cover member 47 encircling the filling member of the seat back. Additionally, the description beginning at line 45 of column 2 of the original patent specification describes several mesh members 25, 26 positioned with respect to the filling member of the seat cushion and the description beginning at line 34 of column 4 of the original patent specification describes several mesh members 45, 46 positioned with respect to the filling member of the seat back. Further, Figs. 1 and 2 illustrate the mesh members 25, 26, 45, 46 that are positioned between the respective cover member and filling member at the side of the filling member facing in a direction of the sitting side of the seat cushion/seat back.